IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6882 OF 2005

Mohd. Rafiq Usman Latiwala & Ors. ...Applicants
vs.
State of Maharashtra & Ors. ...Respondents

Mr.Subhash Jha i/by M/s.Law Global for the Applicants
Ms Rajeshree Gadhvi,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 24,2005

P.C.:

1. Heard Shri Jha for the Applicants and the learned A.P.P. for State. Shri Jha pointed out that private notices have been served on the Respondent Nos.2 to 4 and Fax messages have been sent by the said Respondents stating therein that the said Respondents need further time.

2. Prayer Clauses (a) and (b) made in the said application read thus:

"(a) In the event of arrest of the applicants in connection with F.I.R. No.128 of 2005 of Gannor Police Station, District Sonipat, Haryana, F.I.R.No.56 of 2005 of Vilaspur Police Station, District Yamunanagar, Haryana and F.I.R.No.414 of 2005 of Panipat City Police Station, Panipat, Haryana and/or any other police station at the instance of Ashok Chhabra and/or his agents, servants, principals and/or anybody else claiming through or under him and/or any other business

rivals/opponents of the applicants alleging violation under the Copyright Act and/or cheating/breach of trust in respect of their business of distribution of films from their library of Hindi Feature Films, the Applicants shall be directed to be enlarge on bail forthwith on such terms an conditions as this Hon'ble Court may deem fit and proper.

(b) in the alternative, but without prejudice to prayer clause (a) above, in the event of any police desiring to effect arrest of the applicants in connection with their business of acquiring video copyright of feature films and VCD/DVD/cassettes etc. alleging violation under the Copyright Act and/or cheating and/or breach of trust, such police be directed to give 72 hours notice in advance to the applicants before effecting their arrest;

3. Shri Jha submitted that there is every possibility that more complaints may be registered against the Applicants in the Police Stations in the State of Haryana or at any other places where sufficient notice may not be given to the Applicants and therefore wider protection as prayed in the prayer clause (a) may be granted. He submitted that in the alternative prayer (b) may be granted so that the Applicants

get 72 hours notice in advance to enable them to approach the appropriate Court. He placed reliance on certain orders passed by this Court granting blanket protection.

4. I have considered the submissions. In this case the apprehension of the Applicants is that offences may be registered against them in some other States. Prayer clause (a) seeks anticipatory bail in respect of such offences of alleged violation of Copyright Act and of breach of trust in respect of the business of the Applicants of the distribution of films from their library of Hind Feature Films. In my view, such blanket relief cannot be granted. The relief is sought in respect of offences which may be registered in future. Reliance placed on orders passed by this Court which are annexed to this Application will not help the Applicants as the said orders have been passed in peculiar fact situation of the cases before this Court. Prayer Clause (b) cannot be granted as it will have effect of granting blanket relief in respect of the offences which may be registered at any time in future. However, in so far as offences which are already registered and which are mentioned in prayer Clause (a) are concerned, limited protection deserves to be granted in favour of the Applicants to enable them to approach the appropriate Court in the State of Haryana.

5. Hence, I pass the following order :

i) Application is disposed of by directing that for a period of four weeks from today the Applicants shall not be arrested

in connection with C.R.No.128 of 2005 registered with Gannor Police Station, District Sonipat, Haryana, C.R.No.56 of 2005 registered with Vilaspur Police Station, District Yamunagar, Haryana and C.R.No.414 of 2005 registered with Panipat City Police Station, Haryana subject to condition of complying with the conditions incorporated in clause (i) to (iii) of Sub Section 2 of Section 438 of the Code of Criminal Procedure, 1973.

ii) Within a period of four weeks from today, the Applicants will be free to approach the appropriate Court for grant of appropriate relief.

iii) All contentions of the parties are expressly kept open.

JUDGE